In Re Holocaust Victim Assets Litigation regarding the Application of Bu...uborne for counsel fees Doc. 37 Att. 3

EXHIBIT G

Declarations of Settlement Counsel in Support of Fee Application

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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

IN RE HOLOCAUST VICTIM ASSETS LITIGATION	)))))))	Master Docket No. CV-96-4849 (ERK) (MDG) (Consolidated with CV-96-5161 and CV-97-461)

DECLARATION OF SETTLEMENT CLASS COUNSEL MORRIS A. RATNER IN SUPPORT OF LEAD SETTLEMENT CLASS COUNSEL'S SETTLEMENT ADMINISTRATION FEE APPLICATION

I, Morris A. Ratner, declare as follows:

1. I am a member of the law firm of Lieff, Cabraser, Heimann & Bernstein, LLP ("LCHB"), in San Francisco, California, and New York City, New York. I am competent to testify in court. All statements herein are based upon personal knowledge. I have been involved in the above captioned litigation since its inception. I served as one of the members of the committee appointed by the Court to prosecute the litigation, and also served as Settlement Class Counsel under the leadership of Lead Settlement Class Counsel Professor Burt Neuborne. For example, I had primary responsibility for designing and implementing the various stages of the notice provided to Class members in this case (of the settlement, of the proposed plan of allocation, and of the Court's adoption of the plan of allocation and specific procedures for the filing of claims). *See* Morris A. Ratner, "The Settlement of Nazi-Era Litigation Through the Executive and Judicial Branches," 20 *Berkeley Journal of International Law* 212 (No. 1, March 2002). I have been appointed to serve as settlement class counsel in scores of other class action settlements over the course of the past decade.

2. Since the settlement was approved by the Court, I have worked closely with Professor Neuborne on issues relating to the administration of the settlement. My firm was awarded a fee in connection with the work we did to achieve the settlement; we elected to donate that fee to endow a clinical human rights chair at Columbia University Law School. We have not sought fees associated with the work we have done to implement the settlement. It has always been my understanding that the fee applications previously submitted were for the purpose of compensating counsel who achieved the benefit of the settlement represents to the members of the Settlement Classes, *i.e.*, whose efforts resulted in the creation of the settlement fund.

3. I never understood that the settlement implementation work to be performed by Lead Settlement Class Counsel would be uncompensated, and have never heard Professor Neuborne suggest he would not seek a fee for such work. I always understood that substantial time would be required by plaintiffs' Settlement Class Counsel to actually implement the settlement, and that Professor Burt Neuborne would take the lead in that capacity. I never considered it to be particularly significant to categorize Professor Neuborne's services as those of a lawyer or of a "settlement administrator," because in fact his legal skills were required for him to function as the lead plaintiffs' counsel administering the settlement, making it pointless to try to distinguish the categories of service in connection with implementation of this complex settlement.

4. The settlement could not have been fully implemented without Professor Neuborne's efforts to overcome post-settlement obstacles, including the defendant Banks' initial unwillingness to release information needed to administer the plan of allocation of Deposited Asset settlement funds. The effort to dislodge the records necessary to support payment of

individually tailored amounts, based on evidence, was nothing less than Herculean. Professor Neuborne worked tirelessly to obtain information from the Swiss Banks necessary to administer this settlement. His efforts not only allowed the settlement to be meaningfully and intelligently implemented, but also dignified the claims and memories of the Deposited Asset Class members who from the beginning insisted that allocation of deposited assets be done to the extent practicable in an historically faithful manner, based on facts that were until the settlement was actually administered exclusively in the possession of the defendant banks.

5. It has been my experience that Professor Neuborne has been open with other Class Counsel about settlement administration, and has been eager to accept any input or support in connection with settlement administration. It is my view that if any other plaintiffs' counsel have not invested their resources in settlement administration it is because they chose not to take a role in administration of the settlement. Specifically, Professor Neuborne has on multiple occasions sought and obtained my assistance in connection with the filing and preparation of various settlement administration pleadings, and on a continuing basis in connection with class action procedural questions as to which I and my firm have substantial experience.

6. In my extensive experience working the Professor Neuborne since the inception of this litigation, I have come to respect the manner in which he has efficiently administered the settlement. Professor Neuborne's detailed working knowledge of the relevant facts underlying the settlement and settlement administration structure, as well as his legal expertise and experience have allowed him to take less time to perform settlement administration work than it would have taken any other person with either less knowledge or experience. I believe that Professor Neuborne actually saved the class money that would have been paid in

fees had settlement administration been performed by persons with less knowledge or experience.

7. The argument that work performed by Professor Neuborne could have been efficiently delegated to untrained law students is entirely incorrect. This complex settlement required skillful and sophisticated lawyering at virtually every level.

I declare under penalty of perjury under the laws of the States of California and New York and of the United States.

Executed at Atlanta, Georgia, on February 2, 2006.

Morris A. Ratner

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

Holocaust Victim Assets Litigation	Civil Action No. 96-4849

AFFIDAVIT OF MELVYN I. WEISS IN SUPPORT OF THE APPLICATION OF BURT NEWBORNE FOR COMPENSATION FOR HIS POST-SETTLEMENT SERVICES TO THE SETTLEMENT CLASSES AS LEAD SETTLEMENT COUNSEL

STATE OF NEW YORK)
: ss.:
COUNTY OF NEW YORK)

MELVYN I. WEISS, being duly sworn, deposes and says:

1. I am a senior managing partner of the firm of Milberg Weiss Bershad & Schulman LLP ("Milberg Weiss"), the firm representing Plaintiff in the above-captioned action. I have served as one of the principal lawyers in this case from its inception. I served as founding member of the plaintiffs' Executive Committee, and as Liaison Counsel. I participated fully in the briefing and argument of the motions to dismiss on August 1, 1997. I played a lead role in the negotiations that led to the $1.25 billion settlement on August 12, 1998. I waived fees in connection with my work in achieving the settlement, as did Michael Hausfeld and Burt Neuborne. I make this declaration in support of the application of Burt Neuborne for compensation for his post-settlement services to the settlement classes as Lead Settlement Counsel.

2. Immediately after the signing of the settlement agreement on January 26, 1999, it became apparent to all that implementation of this complex agreement would be an enormously

difficult task, calling for the sustained efforts of an imaginative and highly competent lawyer. I supported the consensus among plaintiffs' counsel to ask Burt Neuborne to accept the responsibility, and supported the decision of the Court to appoint him as Lead Settlement Counsel. Indeed, I urged Mr. Neuborne to accept the responsibility.

3. When Mr. Neuborne expressed an initial reluctance to undertake such a time-consuming and demanding set of responsibilities, I continued to urge Mr. Neuborne to accept the appointment. Although I never discussed the issue of compensation directly with Mr. Neuborne, it was my assumption that he would seek compensation since it would be unfair and unreasonable to impose such an intensely demanding multi-year responsibility without that prospect. Thus, although Mr. Neuborne had waived fees for achieving the settlement, I assumed that he would be compensated for his post-settlement work as Lead Settlement Counsel. Indeed, I am seeking an award of fees for my post-settlement work that I intend to donate to appropriate institutions.

4. I fully support his pending application for hourly lodestar fees.

Dated: February 1, 2006
New York, New York

[signature]

Melvyn I. Weiss, Esq.

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF NEW YORK

In re Holocaust Victim Assets Litigation CV 96-4849 (ERK)

DECLARATION OF MICHAEL D. HAUSFELD

MICHAEL D. HAUSFELD, an attorney duly admitted to practice before this Court, hereby affirms under penalty of perjury:

1. I have served as one of the principal lawyers in this case from its inception. I served as co-chair of the plaintiffs' Executive Committee, participated fully in the briefing and oral argument of the motions to dismiss on August 1, 1997, played a significant role in the negotiations that led to the settlement herein on August 12, 1998, and played a role in the drafting of the settlement agreement that was signed on January 26, 1999. I make this declaration in support of the application of Burt Neuborne for compensation for his services to the settlement classes as Lead Settlement Counsel.

2. Immediately after the signing of the settlement agreement, it became apparent to all that implementation of this complex agreement would be an enormously difficult task, calling for the sustained efforts of an imaginative and highly competent lawyer. I urged Burt Neuborne to accept the responsibility, and urged the Court to appoint him as Lead Settlement Counsel.

3. When Mr. Neuborne expressed an initial reluctance to undertake such a time-consuming and demanding set of responsibilities, I wrote to the Court urging that Mr. Neuborne be persuaded to accept the responsibility. I also urged Mr. Neuborne personally to accept the appointment. I did so because of the obvious efficiencies and benefits to the Class and process in having Mr. Neuborne, with his stature and influence, shepherd the final settlement allocation and distribution.

4. Although I never discussed the issue of compensation directly with Mr. Neuborne, I clearly understood this obligation would involve

Certificate of Service

I, Richard Kelsey, hereby certify that the persons listed below were served by first class mail with the Declaration of Michael D. Hausfeld on this ninth day of February 2006.

Richard Kelsey

Richard Kelsey

Morris A. Ratner, Esq. Lieff, Cabraser, Heimann & Bernstein 780 Third Avenue – 48th Floor New York, NY 10017-2024	Robert A. Swift, Esq. Kohn, Swift & Graf, P.C. One South Broad Street Suite 2100 Philadelphia, PA 19107
Michael D. Hausfeld, Esq. Cohen, Milstein, Hausfeld & Toll, P.L.L.C. 1100 New York Avenue, N.W. Suite 500, West Tower Washington, DC 20005	Roger M. Witten, Esq. Wilmer, Cutler Hale & Dorr, L.L.P. 399 Park Avenue New York, NY 10022
Melvyn I. Weiss, Esq. Milberg, Weiss Bershad & Schulman, L.L.P. One Pennsylvania Plaza – 49th Floor New York, NY 10119-0165	Irwin Levin, Esq. Richard Shevitz, Esq. Cohen & Malad, L.L.P. One Indiana Square – Suite 1400 Indianapolis, IN 46204
Stephen Whinston, Esq. Berger & Montague, P.C. 1622 Locust Street Philadelphia, PA 19103	Samuel Dubbin, Esq. Dubbin & Kravetz, 701 Brickell Avenue – Suite 1650 Miami, FL 33131
Barry Fisher, Esq. Fleishman, Fisher & Moest 1888 Century Park East – Suite 1750 Los Angeles, CA 90067	Judah Gribetz, Esq. Special Master Bingham & McCutchen 399 Park Avenue New York, NY 10022

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF NEW YORK

In re Holocaust Victim Assets Litigation (ERK) CV 96-4849

DECLARATION OF IRWIN B. LEVIN AND RICHARD E. SHEVITZ

IRWIN B. LEVIN and RICHARD E. SHEVITZ, attorneys having been admitted to practice before this Court in the above-entitled matter, hereby affirm under penalty of perjury:

1. We are partners in the firm of Cohen & Malad, LLP, and played active roles in this case from its inception, including serving on the plaintiffs' Executive Committee, and participating in the motion practice and settlement negotiations, the drafting of the settlement documents and the administration of the settlement. We make this joint declaration in support of the application of Burt Neuborne for compensation for his services to the settlement classes as Lead Settlement Counsel.

2. Immediately after the signing of the settlement agreement on January 26, 1999, it became apparent to all that implementation of this complex agreement would be an enormously difficult task, calling for the sustained efforts of an imaginative and highly competent lawyer. We fully supported the consensus among plaintiffs' counsel to ask Burt Neuborne to accept that responsibility, and fully supported the decision of the Court to appoint him as Lead Settlement Counsel.

3. Although we never discussed the issue of compensation directly with Mr. Neuborne, it was our assumption that no one could be asked to accept such an intensely demanding multi-year responsibility without the prospect of reasonable compensation. Thus, although Mr. Neuborne had waived fees for achieving the settlement, we assumed that he would be compensated for his post-settlement work as Lead Settlement Counsel. We certainly do not

recall Mr. Neuborne expressing a willingness to serve as Lead Settlement Counsel for the rest of the case without fee.

4. We fully support Mr. Neuborne's pending application for hourly lodestar fees.

Dated: February 2, 2006
Indianapolis, Indiana

Irwin B. Levin

Richard E. Shevitz

Certificate of Service

I, Richard Kelsey, hereby certify that the persons listed below were served by first class mail with the Declaration of Irwin B. Levin and Richard E. Shevitz on this seventh day of February 2006.

____

Richard Kelsey

Morris A. Ratner, Esq. Lieff, Cabraser, Heimann & Bernstein 780 Third Avenue – 48th Floor New York, NY 10017-2024	Robert A. Swift, Esq. Kohn, Swift & Graf, P.C. One South Broad Street Suite 2100 Philadelphia, PA 19107
Michael D. Hausfeld, Esq. Cohen, Milstein, Hausfeld & Toll, P.L.L.C. 1100 New York Avenue, N.W. Suite 500, West Tower Washington, DC 20005	Roger M. Witten, Esq. Wilmer, Cutler Hale & Dorr, L.L.P. 399 Park Avenue New York, NY 10022
Melvyn I. Weiss, Esq. Milberg, Weiss Bershad & Schulman, L.L.P. One Pennsylvania Plaza – 49th Floor New York, NY 10119-0165	Irwin Levin, Esq. Richard Shevitz, Esq. Cohen & Malad, L.L.P. One Indiana Square – Suite 1400 Indianapolis, IN 46204
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Barry Fisher, Esq. Fleishman, Fisher & Moest 1888 Century Park East – Suite 1750 Los Angeles, CA 90067	Judah Gribetz, Esq. Special Master Bingham & McCutchen 399 Park Avenue New York, NY 10022

EXHIBIT H

Declarations Establishing Market Rates

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF NEW YORK

In re Holocaust Victim Asset Litigation | Master Docket No. CV-96-4849

DECLARATION OF E. JOSHUA ROSENKRANZ IN SUPPORT OF PETITION OF BURT NEUBORNE

1. I am a shareholder in the law firm of Heller Ehrman LLP, duly licensed to practice law in New York State. I submit this declaration in support of Prof. Burt Neuborne's petition for attorneys' fees. I make this declaration based upon actual knowledge, unless otherwise indicated.

2. I have known Prof. Neuborne for over a decade, and knew of his reputation as a brilliant scholar and litigator well before then. We have worked together litigating numerous cases. I have worked with and against hundreds of litigators in my career. I can say without hesitation that I have never encountered a litigator with finer strategic instincts, better advocacy skills, whether oral or written, and a deeper command of the law than Prof. Neuborne. He is at the pinnacle of the legal profession, and to my knowledge, he is viewed that way uniformly by those who encounter him or know him by reputation.

3. I understand that opponents of Prof. Neuborne's application have questioned his assertion that senior litigators in New York City firms charge upwards of $700. The assertion is correct.

4. I base that view on my knowledge of the New York City market, generally. But I can support it concretely with reference to my law firm's billing rates.

5. By way of background, my law firm handles large complex litigation for many of the biggest companies in the world. Our clients are sophisticated consumers in the legal market. My firm did not have a New York office until six years ago. Among national firms, then, we were latecomers to a very competitive market. When we set our billing rates, we do not want to undersell ourselves. But we know also that we will be at a competitive disadvantage if we set our rates above market. My firm's management sets its rates based upon substantial market research. And the fact that our litigators in New are extremely busy suggests that our clients agree that our rates are not above market.

6. Our New York City office has about 100 lawyers. Of them, 29 are partners (or "shareholders," as we call them), and 14 are litigation partners.[1] Five of the 14 litigation partners, more than a third, bill at more than $700 an hour. Indeed, all five bill at $750 or more. Only two of those senior litigators are of Prof. Neuborne's vintage. The other three, while seasoned, are at least a decade junior to him.

7. The average billing rate for a litigation partner in our New York office is $664 per hour. Not a single partner in our New York office—litigation or corporate—bills at less than $530 per hour. That includes lawyers who were elevated to partnership in the past year.

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[1] I am using this year's billing rates for all laywers who were partners as of December 31, 2005. This month, between promotions and lateral hires, we have added several new partners, but their billing rates have not been finalized.

8. My own personal experience in private practice confirms that Prof. Neuborne could command at least $700 an hour in this market. My background as a litigator is similar to Prof. Neuborne's, although I would not claim to have anywhere near his talent or experience. I have spent most of legal career as a public interest lawyer. Until I joined Heller Ehrman, I had never been in private practice. My firm brought me in as a partner a little less than three years ago. Having graduated law school in 1986, I have been a lawyer for less than 20 years, less than half the time Prof. Neuborne has.

9. My hourly billing rate is $680.

10. Among my clients have been Philip Morris USA, Ernst & Young International, Bank of America, Merck KGaA, QUALCOMM Incorporated, Sony Electronics, Visa, and National Semiconductor. So far as I know, none of them has balked at paying my hourly rate.

11. In my view, in this market, Prof. Neuborne would be a bargain at $700 an hour.

I declare, under penalty of perjury, that the foregoing is true.

January 17, 2006

New York, New York

E. JOSHUA ROSENKRANZ

DECLARATION OF FREDERICK A. O. SCHWARZ, JR.

1. I submit this declaration in support of Professor Burt Neuborne's motion for attorney's fees.

2. I am currently Senior Counsel at the Brennan Center for Justice at NYU Law School, where I have been on a full time basis since September 2002. Prior to that, I was a partner at Cravath, Swaine & Moore LLP. I became a partner at Cravath in 1969, but left twice for government service: first in 1975 and 1976 to be Chief Counsel for the United States Senate Select Committee (known as the Church Committee) investigating the FBI, CIA and other intelligence agencies, as well as related abuses of presidential power; the second in 1982 through 1986 as New York City Corporation Counsel.

3. I have worked with Professor Neuborne (starting when he was at the ACLU) extensively when in government, in private practice, and at the Brennan Center. If relevant, I could provide substantial details of my experience with him. But to summarize: in all my experience both private, public, and public interest, I have never dealt with a more talented lawyer. Extraordinarily creative and imaginative. Determined and tireless. A great legal thinker. A superb advocate. But beyond being a great analyst and a great advocate, Professor Neuborne is very attuned to what is the fair thing to do. (Of course, this makes him both a better person, and a better advocate.)

4. With respect to fees, I was a recipient of them until 2002, and have since kept up with what is charged by New York City firms by my frequent contact with colleagues in private practice. Apparently, there are some people (I know not who or the basis of their assertions) who say that senior litigators at New York City firms do not

charge more than $700 per hour. They do. Indeed, a skillful litigator of Burt Neuborne's skill would charge more.

I declare, under penalty of perjury, that all the above is true.

Frederick A. O. Schwarz, Jr.

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF NEW YORK

In re Holocaust Victim Assets Litigation CV 96-4849 (ERK)

DECLARATION OF JAMES E. JOHNSON

JAMES E. JOHNSON, a lawyer duly admitted to practice before this Court, hereby affirms under penalty of perjury.

1. I am a partner in the firm of Debevoise & Plimpton LLP, specializing in litigation. Before joining the firm, among other things, I served for five years as Assistant Secretary then Under Secretary of the Treasury for Enforcement. I currently serve as Chair of the Board of Directors of the Brennan Center for Justice at NYU Law School, where I work closely with Professor Burt Neuborne in his capacity as Legal Director of the Brennan Center.

2. In my capacity as Chair of the Brennan Center's Board of Directors, I have personal knowledge of the experience, competence and standing of Professor Neuborne as a litigator in the New York legal community. I have observed him successfully litigate several significant and complex cases from the trial court to the Supreme Court. See, eg., *Legal Servs. Corp. v. Velazquez*, 531 U.S. 533 (2001); *McConnell v. FEC,* 540 U.S. 93 (2003). He is rightly regarded as an experienced and extremely effective litigator of extraordinarily high standing.

3. I am aware of the billing rates of litigators of comparable experience, reputation and standing in the New York legal community. I state without hesitation that litigators of Professor Neuborne's experience, reputation and standing in the New York legal community routinely bill in excess of $700 per hour for complex matters.

Accordingly, Professor Neuborne's decision to discount his rates in this case to $500 per hour renders his billing rate in this case considerably below the prevailing market for a senior litigator handling complex matters.

Dated: January 26, 2006
New York, New York

I declare that the foregoing information is known to me and that it is true and accurate to the best of my knowledge, subject to laws against perjury pursuant to 28 U.S.C § 1746.

James E. Johnson

EXHIBIT I

Media Publication of Fee Application

THURSDAY, MARCH 2, 2006
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News

Top Lawyer on Holocaust Restitution Cases Taking Flak Over Fee Request

By NATHANIEL POPPER

January 13, 2006

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The most respected legal strategist in the Swiss bank dispute has come under attack from other lawyers after requesting more than $4 million in fees — a sum that would make him the highest paid attorney to work on the case.

The lawyer making the request, New York University law professor Burt Neuborne, gained respect and prominence for refusing to take any fees for his work in achieving the $1.25 billion settlement in 1998 with the Swiss banks accused of withholding Holocaust-era deposits. More than a dozen lawyers litigated the case, several of whom told the Forward that they assumed Neuborne had continued to work pro bono.

Neuborne's application for fees, filed December 19, is for work he has done since 1999 in administering the settlement fund as lead settlement counsel. He was appointed to the position by the federal judge in the case, Edward Korman.

In the fee application submitted to Korman, Neuborne requested $4.1 million for 8,178 hours of work since 1999. Together, the other lawyers who worked on the case were awarded $5.3 million.

Lawyers seeking fees in Holocaust restitution and reparation cases have faced constant opposition because of the widespread belief that any money recovered should go to Holocaust survivors. Any request from Neuborne was certain to draw scrutiny because he has been held up as the exemplar of a public-minded pro bono attorney. In fact, Korman asked him to help decide on fees for the other lawyers, and Neuborne's current request faces opposition from those who expressed unhappiness with Neuborne's earlier recommendations.

Philadelphia attorney Robert Swift, who was on the executive committee of attorneys in the case along with Neuborne, filed a legal document December 29, asking the judge to refuse Neuborne's request. "Prof. Neuborne neither informed me that he intended to seek a fee during the administration of the settlement nor sought to engage the legal skills of me or most other settlement class counsel who were acting pro bono," Swift wrote.

Swift was not paid for work he did since the settlement, but he did receive $1.2 million in fees for his work in achieving the agreement. He had requested greater compensation, which was rejected on Neuborne's recommendation.

In contrast to Swift, a number of other lawyers involved in the case, including those who worked pro bono, supported Neuborne's request and praised his efforts since the settlement.

"The only person who could seriously challenge this either hasn't been paying attention or has a bone to pick," said Morris Ratner, a lawyer from the original case, whose law firm donated his fees to Columbia University's law school. "Burt single-handedly implemented a billion-dollar settlement. What he is seeking in fees is totally modest."

Michael Bazyler, a legal historian who has written about the restitution movement, said that the work Neuborne has done since the settlement was more arduous than the work required to reach the settlement in the first place.

"The heavy-duty work has come during the distribution of the funds," Bazyler said. "If anybody deserves fees in the Swiss case, it's Burt Neuborne."

The $1.25 billion won from the Swiss banks is still being distributed — Neuborne estimated that about $800 million already has been disbursed. The biggest continuing dispute is how to spend any unclaimed money. Korman, the judge, has decided to distribute most of the remaining funds to needy survivors in the former Soviet Union rather than to survivors in America. Neuborne has drawn the ire of some American survivor organizations for supporting Korman's decision. These groups also expressed unhappiness when hearing of Neuborne's fee request.

"He was yelling all the time that he was working pro bono," said Leo Rechter, the president of the National Association of Jewish Holocaust Survivors. "If it was up to us, we would have said that we didn't want his services."

While Neuborne received nothing for his work in achieving the Swiss settlement, he was awarded $4.4 million for his work in a separate case against German industries, which was settled in 1999. At the time, he said he was only accepting the money because it didn't come out of the survivors' pot. Neuborne's new fees would come from funds for survivors. Neuborne said this fee was fundamentally different from the one for the German case because it was for administering funds rather than for representing the survivors in court.

"There's a big difference between defending the victims' rights and performing a service for them once you get the money," Neuborne told the Forward. "It's like running an enormous business that is under legal attack all the time."

In his petition, Neuborne said he represented the settlement fund in 29 legal matters and increased the value of the fund by at least $35 million. Among Neuborne's actions, he successfully lobbied to make any payouts to American survivors tax-free. He also successfully argued that the Swiss banks should pay millions of dollars in interest on the money held since the agreement.

In opposing Neuborne, Swift pointed out that on at least three days Neuborne billed for more than 24 hours. Neuborne said that happened because he billed any hours to the day in which he started projects, and he frequently worked through the night.

Even among attorneys who praised Neuborne's work, a few said they had not realized that Neuborne would receive compensation as lead settlement counsel.

"My assumption was that he was continuing to work pro bono," said Martin Mendelsohn, a Washington lawyer who worked on the case.

Neuborne said that when the judge initially asked him to be lead settlement counsel, he had declined the job and accepted only after the judge said he would be compensated. Korman told the Forward that he could not comment on a pending case but said he would hold a hearing on the matter.

The hearing could create a difficult situation for Korman because he will have to preside over a matter in which he is personally involved. Neuborne said that he has lunch with Korman every month to discuss progress on the case and that the two have worked closely, in the face of strenuous opposition, to administer the fund.

"I've never worked harder. I've never been more successful. I've never been prouder of my legal work," Neuborne said.

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Top lawyer in Holocaust restitution cases gets flak over fee request

By Nathaniel Popper

The most respected legal strategist in the Swiss bank dispute has come under attack from other lawyers after requesting more than $4 million in fees - a sum that would make him the highest paid attorney to work on the case.

The lawyer making the request, New York University law professor **Burt Neuborne**, gained respect and prominence for refusing to take any fees for his work in achieving the $1.25 billion settlement in 1998 with the Swiss banks accused of withholding Holocaust-era deposits. More than a dozen lawyers litigated the case, several of whom told the Forward that they assumed **Neuborne** had continued to work pro bono.

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Swift was not paid for work he did since the settlement, but he did receive $1.2 million in fees for his work in achieving the agreement. He had requested greater compensation, which was rejected on **Neuborne's** recommendation.

In contrast to Swift, a number of other lawyers involved in the case, including those who worked pro bono, supported **Neuborne's** request and praised his efforts since the settlement.

"The only person who could seriously challenge this either hasn't been paying attention or has a bone to pick," said Morris Ratner, a lawyer from the original case, whose law firm donated his fees to Columbia University's law school. "**Burt** single-handedly implemented a billion-dollar settlement. What he is seeking in fees is totally modest."

Michael Bazyler, a legal historian who has written about the restitution movement, said that the work **Neuborne** has done since the settlement was more arduous than the work required to reach the settlement in the first place. "The heavy-duty work has come during the distribution of the funds," Bazyler said. "If anybody deserves fees in the Swiss case, it's **Burt Neuborne**."

The $1.25 billion won from the Swiss banks is still being distributed.

Neuborne estimated that about $800 million already has been disbursed. The biggest continuing dispute is how to spend any unclaimed money. Korman, the judge, has decided to distribute most of the remaining funds to needy survivors in the former Soviet Union rather than to survivors in America.

Neuborne has drawn the ire of some American survivor organizations for supporting Korman's decision. These groups also expressed unhappiness when hearing of **Neuborne's** fee request.

"He was yelling all the time that he was working pro bono," said Leo Rechter, the president of the National Association of Jewish Holocaust Survivors. "If it was up to us, we would have said that we didn't want his services."

While **Neuborne** received nothing for his work in achieving the Swiss settlement, he was awarded $4.4 million for his work in a separate case against German industries, which was settled in 1999. At the time, he said he was only accepting the money because it didn't come out of the survivors' pot.

Neuborne's new fees would come from funds for survivors. **Neuborne** said this fee was fundamentally different from the one for the German case because it was for administering funds rather than for representing the survivors in court.

"There's a big difference between defending the victims' rights and performing a service for them once you get the money," **Neuborne** told the Forward. "It's like running an enormous business that is under legal attack all the time."

In his petition, **Neuborne** said he represented the settlement fund in 29 legal matters and increased the value of the fund by at least $35 million. Among **Neuborne's** actions, he successfully lobbied to make any payouts to American survivors tax-free. He also successfully argued that the Swiss banks should pay millions of dollars in interest on the money held since the agreement.

In opposing **Neuborne**, Swift pointed out that on at least three days **Neuborne** billed for more than 24 hours. **Neuborne** said that happened because he billed any hours to the day in which he started projects, and he frequently worked through the night.

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Even among attorneys who praised **Neuborne's** work, a few said they had not realized that **Neuborne** would receive compensation as lead settlement counsel.

"My assumption was that he was continuing to work pro bono," said Martin Mendelsohn, a Washington lawyer who worked on the case.

Neuborne said that when the judge initially asked him to be the lead settlement counsel, he had declined the job and accepted only after the judge said he would be compensated. Korman told the Forward that he could not comment on a pending case but said he would hold a hearing on the matter.

The hearing could create a difficult situation for Korman, because he will have to preside over a matter in which he is personally involved. **Neuborne** said that he has lunch with Korman every month to discuss progress on the case, and that the two have worked closely, in the face of strenuous opposition, to administer the fund.

"I've never worked harder. I've never been more successful. I've never been prouder of my legal work," **Neuborne** said.

The anti-Bibi
No one imagined that 3 months before elections, Peretz would morph into a Bibi look-alike.

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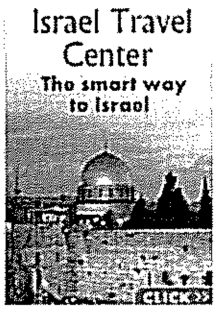

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Feb. 25, 2006 15:17 | Updated Feb. 25, 2006 15:23

Lawyer's fee angers Holocaust survivors

By JPOST.COM STAFF

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The gates of Auschwitz

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Eighteen American Holocaust survivors are unhappy with their attorney, Burt Neuborne, for charging them for his work on their case, *The New York Times* reported on Saturday.

Neuborne, who estimates that he put in some 8000 hours of work on his clients' reparation suit between 1996 and 1998, helped win them a settlement of $1.25 billion. He charged $4.1 million.

While his clients reportedly said this week in a number of interviews to various media outlets that they believed that Neuborne had taken on their case pro bono, Neuborne insisted that he never promised to accept the case for free.

The reported that Neuborne's clients have filed a formal objection against his fee.

Neuborne has asked Judge Edward R. Korman to grant him a hearing.

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37. blind self-righteousness
Leonard S. Goldstein, Esq. - USA (02/27/2006 11:53)

36. fee
diplomat - (02/26/2006 22:19)

35. Lawyer's Fees
Americano - USA (Blue State) (02/26/2006 21:46)

34. 3% fee...That's not bad
Ophir - USA (02/26/2006 18:52)

33. Fees
Stephen - (02/26/2006 18:21)

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32. Legal fees
Meira - USA (02/26/2006 16:21)

31. legal "fees"
doctor lawyer - USA (02/26/2006 13:19)

30. Ungrateful Clients - What's New?
irsslex - USA (02/26/2006 09:59)

29. This is Unreal
Michael Miller - USA (02/26/2006 06:15)

28. what if he lost
joe barnathan - usa (02/26/2006 03:14)

27. hours in a day
Gene Warech - United States (02/25/2006 23:59)

26. #12
john smith - usa (02/25/2006 23:37)

25. to #18
shimon - (02/25/2006 22:34)

24. you are dead WRONG my friend
Shimon to # 20 - (02/25/2006 22:24)

23. greeeeeeed
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22. One of many
Srulik - USA (02/25/2006 21:51)

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semsem - USA (02/25/2006 21:39)

20. thankless and more
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19. Gross Protest of Fees Earned
Jonathan L. Scher, Esq. - USA (02/25/2006 21:20)

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Voice from Holocaust speaks of darker times

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Voice from Holocaust speaks of darker times
2006-02-25
by Bonny C. Millard
of The Daily Times Staff

Henry Fribourg and his family escaped from France before it fell to Hilter's Germany, but many of his extended family members died at the hands of the Nazis.

Fribourg shared his story with students at Eagleton Middle School, who have been studying World War II and the Holocaust.

"I went through a number of events I don't want anyone else to have to go through," he said Thursday during his presentation.
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posted in Essays & Opinion
February 25, 2006 at 11:08 am

That Holocaust Cartoon Contest

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THE WASHINGTON POST

World Opinion Roundup by Jefferson Morley
A Daily Survey of What the International Online Media Are Saying

That Holocaust Cartoon Contest

The results of the infamous Iranian Holocaust cartoon contest are starting to come in.

The contest was launched earlier this month by the Iranian newspaper Hamshahri in response to Jyllands Posten of Copenhagen and other Western newspapers that ran controversial cartoons depicting the Prophet Muhammad. (For background, click here.)

The intent of the contest, of course, is to expose what many Muslims see as a double standard. The newspaper contest explicitly asked, would Westerners defend the freedom to deliberately insult the memory of millions of European Jews killed by the Nazis?

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posted in International News
February 25, 2006 at 10:18 am

Lawyer's fee angers Holocaust survivors

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By JPOST.COM STAFF

Eighteen American Holocaust survivors are unhappy with their attorney, **BuNeuborne**, for charging them for his work on their case, The New York Times reported on Saturday.

Neuborne, who estimates that he put in some 8000 hours of work on his clients' reparation suit between 1996 and 1998, helped win them a settlement of $1.25 billion. He charged $4.1 million.
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posted in Letters to the Editor
February 25, 2006 at 10:17 am

Letter to the Editor of the LA Times

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Speaking out on 'hate laws' and the Holocaust

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February 27, 2006, 4:26 pm

Symbol Technology Trial: Was the Mistrial a Mistrial?

Posted by Peter Lattman

Newsday ran a wacky story on Friday about the trial of three former executives at Long Island-based Symbol Technology, which ended after U.S. District Judge Leonard Wexler granted the defense's request for a mistrial after the jurors sent a note to the judge saying, "We are at a deadlock. We have exhausted all options."

Not a bad result for the defense, until the defense lawyers spoke to seven of the twelve jurors on the case, each of whom said that the jury had decided to acquit two of the three defendants (one being ex-general counsel Michael Borghese) and had decided to acquit the third defendant on all charges except one. Hence the "deadlock."

Defense attorneys are now asking that the jurors be brought back to court to say whether they have acquitted two of the defendants. The prosecutors say that "unreported delibertations [outside the courtroom] can have no legal significance," adding that a verdict only counts when announced in open court, not afterward.

Northwestern law professor Ron Allen tells Newsday that the case is "a mess." He says he doubts an appeals court would overturn the mistrial on these grounds and bring back the jury; one possibility, he suggests, is that the two defendants could be acquitted if a judge decided a retrial would amount to double jeopardy.

A hearing on the matter was scheduled for today, at the federal courthouse in Central Islip, N.Y., a stunning Richard Meier-designed building completed in 2000.

(Hat Tip: Bruce Carton at Securities Litigation Watch).

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February 27, 2006, 3:26 pm

Stockbroker Wins $1 Million Defamation Judgment Against Lawyer

Posted by Peter Lattman

CNBC on-air editor Charles Gasparino broke a story today on Phil Spartis, a former Salomon Smith Barney broker. Gasparino reported that Spartis was recently awarded a $1 million defamation

Pellicano Case Ensnaring More Lawyers

Posted by Peter Lattman

Hollywood lawyer Bertram Fields and his firm are negotiating with prosecutors to avoid charges in the burgeoning Anthony Pellicano case, reported the New York Times on Saturday. Fields, through his lawyer, John Keker of San Francisco's Keker & Van Nest, has denied knowledge of any illegal wiretapping, though he has admitted to employing Pellicano in past years. (Here's a prior Law Blog post on Pellicano's connection to Fields and his firm Greenberg Glusker Fields Claman Machtinger & Kinsella.)

The Times also reported that celebrity divorce lawyer Dennis Wasser, who reportedly has handled the divorces of Tom Cruise, Jennifer Lopez and Steven Spielberg, recommended Pellicano's services to the recently indicted lawyer Terry Christensen of Christensen, Miller, Fink, Jacobs, Glaser, Weil & Shapiro. Christensen represented billionaire Kirk Kerkorian and reportedly investigated the lawyer for Kerkorian's ex-wife Lisa Bonder Kerkorian in the couple's breakup battle.

(Is it us or do L.A. entertainment law firms have interminably long names? Does everyone connected to Hollywood need to see his name in lights?)

Here are more lawyers being dragged into the morass:

> More than half a dozen other prominent Los Angeles lawyers, meanwhile, have retained defense counsel in connection with the Pellicano case. They include Charles Shepard, the head of litigation at Greenberg Glusker; David Moriarty, a former Greenberg Glusker associate who worked on several cases in which Mr. Fields was the lead partner and Mr. Pellicano was the investigator; and Daniel Davis, a Beverly Hills criminal lawyer who gained fame in the 1980s representing the main defendant in the McMartin preschool child molestation case.
>
> Moriarty's lawyer, Nathan Hochman, said his client had done nothing wrong and was unaware of any wiretapping by Pellicano. Davis has cooperated with the government, his lawyer said.

Sunday's Los Angeles Times ran this front-page story on the scandal.

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February 27, 2006, 8:25 am

Holocaust Survivors Angry Over NYU Law Professor Burt Neuborne's Fees

Posted by Peter Lattman

The New York Times reported on Saturday that a lawyer representing a group of 18 Holocaust survivors has filed an objection to the almost $4.1 million in fees charged them by NYU law school professor Burt Neuborne. Some of the survivors argue that Neuborne said he was working on the case free of charge.

In 1998, Neuborne won a $1.25 billion settlement for Holocaust survivors in a lawsuit accusing Swiss banks of helping Nazis steal hundreds of millions of dollars in Jewish holdings. He then represented survivors worldwide in effectuating the complex settlement, on which he says he's worked 8,000 hours over the past seven years. Some survivors and lawyers have complained about the settlement because most of the money has thus far has gone to survivors in the former Soviet Union instead of those in the United States.

The Times reports that the lawyer who filed the fee objection is Samuel Dubbin of Miami's Dubbin & Kravetz. According to its Web site, Dubbin was once a special assistant to Attorney General Janet Reno.

Neuborne has asked U.S. District Judge Edward Korman of the Eastern District of New York to hold a hearing on the fees. He says he's substantially increased the value of the settlement fund and that six other lawyers had filed affidavits supporting his fee request (one has objected). Neuborne says,

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Survivors Balking At Lawyer's Fee

Lead counsel in Swiss bank settlement asking for $4.1 million, says he 'acted honorably.'

Stewart Ain - Staff Writer

In the eyes of Leo Rechter, president of a local survivors group, the lawyer appointed by the court to represent needy survivors in the distribution of the $1.25 billion Swiss bank settlement was really the judge's lawyer, not theirs.

Rechter, of Hillcrest, Queens, said attorney Burt Neuborne fought the American survivors "every step of the way" as they sought a larger share of the settlement money. And he contends that Neuborne consistently maintained he was working without a fee.

So Rechter was aghast when Neuborne asked the court to pay him nearly $4.1 million of the settlement money for his fee — $1 million more than all needy U.S. survivors have received thus far from the settlement.

But Neuborne, a well-respected professor at the New York University School of Law, said Brooklyn Federal Judge Edward Korman and attorneys in the case had requested his help in January 1999. Neuborne said he had worked at no charge for thousands of hours over the prior two years to help forge the settlement achieved in August 1998, and had planned to resume his consulting practice and teaching duties. But the judge and the attorneys persisted, he said.

"They said the settlement was in trouble and that it was unclear if they could make it work," Neuborne recalled.

Neuborne said other class-action settlements "fell apart" because of difficulties in distributing the settlement.

"Everyone had separate lawyers, and each lawyer wanted money," he said of the other cases. "That is why the judge wanted me. He said if there is anyone around with the imagination and academic background to do this, it is you. I put together a mechanism where there was a single lawyer and a special master for the allocation and distribution, along with the supervising judge.

"This was something that would have fallen apart. I made it work."

An alliance of survivors' organizations has challenged Neuborne's fee request, and Neuborne last week asked that Korman hold a hearing so he can justify the 8,000 hours he said he worked on the case over the past seven years.

Neuborne insisted that from the start it was made clear that he would be paid from interest money generated by the settlement.

"The judge held an open hearing in court in which he talked about paying me," he said. "The judge distinguished between pre-settlement fees and post, and said my fees would be set on an hourly basis of $500 an hour, which is 25 percent under what I charge clients."

Neuborne said he can understand those who question the size of his $4.1 million fee.

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"It is reasonable for them to say that lawyers get paid too much," he said. "Reasonable people can argue. If I wanted to cheat and hide this, I could have put in a bill every three months and the amounts would have been low and under the radar. I didn't because I was not going to charge the class unless I succeeded. I said to the judge that if I couldn't work out a way for the settlement to succeed — for the money to get to the victims — then I haven't earned any money. I said I would take the risk that I wouldn't fail."

Although reluctant to discuss the case before the hearing, Neuborne said his "only regret is that the survivors are disappointed in me."

"I acted honorably," he insisted. "I hope that after the hearing they will agree."

But Rechter, 78, said his 1,200-member strong organization, the National Association of Jewish Holocaust Survivors, believes "this is holy money" that should be distributed to needy survivors only and not used to pay legal fees.

"We came here destitute, and finally after all these years money is coming and it should not be touched by anybody" but the needy, Rechter said.

In the February issue of the organization's newsletter, Rechter claimed that Neuborne "steadfastly opposed" pleas from an American survivors' alliance that more of the settlement money be allocated to needy U.S. survivors. The plan to which Neuborne agreed allocated 75 percent of the "looted assets" proceeds — totaling $205 million — to survivors in the former Soviet Union.

"Throughout the years, the U.S. survivors have felt victimized by the process where an attorney appointed by the court was supposed to be our attorney as well, but who instead fiercely opposed our legitimate interests," Rechter wrote.

"He opposed our appeal last year before the Second Circuit Appeals Court, citing his 'pro bono' status in the allocation process," he added. "He brandished his 'pro bono' status like a badge of honor that implied his actions were above reproach because he allegedly had no financial interest in the case."

In those papers, Neuborne referred to himself as having the "assistance of other pro bono" attorneys in the case.

Sam Dubbin, a Miami lawyer who represents the nationwide survivors' alliance Holocaust Survivors Foundation, of which NAHOS is a part, provided a November 1999 court filing from Neuborne in which he wrote that "numerous lawyers [in the case], including lead settlement counsel, have waived all attorney's fees."

Dubbin also provided the transcript of a federal court proceeding in Miami last September in which Neuborne told the court, "I am the lead settlement counsel in the Swiss case in which I served without fee now for almost seven years."

Asked in a letter by three survivors to explain those comments in light of his request for a fee, Neuborne wrote back that he "never intended to suggest that I was serving as lead settlement counsel without fee. If my remarks were garbled, I apologize for the confusion.

"My intensive legal work for the class not only made possible the successful administration of the settlement, which has now distributed almost $840 million to victims, it actually added more than $50 million to the settlement fund. I am asking for 7 percent of the additional funds that my work added to the settlement fund."

Another survivor, Jack Rubin of Boynton Beach, Fla., said he also believed all along that Neuborne was working without a fee.

"Now that he is not, I'm disappointed because whatever he gets will be less for the survivors," he said. "I had thought that whatever he did he was doing to help the survivors."

But Neuborne insisted that it was he who "begged the judge" to "double the amount of money that went to poor" survivors using interest money from the

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settlement. And he said it was he who persuaded the Swiss banks to accelerate by one year the payment of $343 million in settlement money, so that the survivors would get an extra year of interest from that money.

"We earned $22.5 million from that money," Neuborne said, noting that he successfully argued at trial that the banks should pay compound interest and not simple interest as the banks wanted. That added an initial $5 million to $8 million to the settlement.

Neuborne added that he also worked to persuade Congress to make the settlement money tax exempt. And he noted that he worked to keep attorneys' fees in this case to $11.1 million, including his fee. That compares to $52 million in legal fees in the $5 billion German Foundation settlement.

But David Mermelstein, 77, chairman of a survivors' group in Miami, said he was "shocked" that Neuborne never mentioned that he would be seeking compensation and questioned why he said repeatedly that he was working without a fee.

"Every month we had conference calls with him in which he said that he was not getting paid," Mermelstein said. "We were begging the judge every month for money. I gave the judge the names of survivors who are desperate ... but we were told there was no more money."

He said that if Neuborne's $4 million was allocated along with other "looted asset" money, it would mean another $1 million for needy American survivors. n

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Clients sue lawyer

The New York Times

NEW YORK — From 1996 to 1998, Burt Neuborne represented Holocaust survivors in a historic lawsuit that accused Swiss banks of helping the Nazis loot hundreds of millions of dollars worth of Jewish holdings. His labours helped win a US$1.25 billion settlement.

A respected civil rights lawyer and law school professor, Mr Neuborne did the work without asking a fee, and was widely praised for his central role in the case.

Then in 1999, Mr Neuborne took on an expanded role — as lead lawyer for the thousands of Holocaust survivors worldwide. But over these seven years, as the complex settlement played out and the judge made the difficult decisions about which survivors would get how much money, bitterness grew and became anger.

Now the anger, within a small American group of Holocaust survivors, is seething. And it is directed at Mr Neuborne. The 18 members of the group, who were already unhappy because they felt shortchanged by the settlement, are outraged that he filed a bill — for nearly US$4,1 million — for his most recent work.

Several of the survivors said in interviews this week that they had thought Mr Neuborne was still working pro bono. And now a lawyer for the group has filed a formal objection to Mr Neuborne's fee.

For his part, Mr Neuborne fiercely defended both his work and his bill. He said he had never promised that his most recent work — by his count, 8 000 hours over the seven years — would be free.

Yesterday, Mr Neuborne filed court papers that seek to refute objections about his fee request from the group of American survivors. Mr Neuborne also asked Judge Edward R Korman, who is overseeing the case, to hold a hearing on his fee.

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But for the survivors who have objected, regardless of the outcome of any hearing, the bill was a betrayal, doubly so coming on the heels of what they say was Mr Neuborne's failure to represent their interests.

Some of the survivors have fiercely objected to the distribution of part of the US$1.25 billion fund set up for social service needs for poor Jewish survivors whose assets were looted. Judge Korman ruled in 2000 that a great majority of that fund — initially US$100 million, which has since more than doubled — would go to Holocaust survivors in Russia because of what he said was the grinding poverty there and the greater need. About 4 percent was earmarked for American survivors. — The New York Times.

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Lawyer's $4.1 Million Fee Angers Holocaust Survivors

By WILLIAM K. RASHBAUM
Published: February 25, 2006

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From 1996 to 1998, Burt Neuborne represented Holocaust survivors in a historic lawsuit that accused Swiss banks of helping the Nazis loot hundreds of millions of dollars worth of Jewish holdings. His labors helped win a $1.25 billion settlement.

A respected civil rights lawyer and law school professor, Mr. Neuborne did the work without asking a fee, and was widely praised for his central role in the case.

Then in 1999, Mr. Neuborne took on an expanded role — as lead lawyer for the thousands of Holocaust survivors worldwide. But over these seven years, as the complex settlement played out and the judge made the difficult decisions about which survivors would get how much money, bitterness grew and became anger.

Now the anger, within a small American group of Holocaust survivors, is seething. And it is directed at Mr. Neuborne. The 18 members of the group, who were already unhappy because they felt shortchanged by the settlement, are outraged that he filed a bill — for nearly $4.1 million — for his most recent work .

Several of the survivors said in interviews this week that they had thought Mr. Neuborne was still working pro bono. And now a lawyer for the group has filed a formal objection to Mr. Neuborne's fee.

For his part, Mr. Neuborne fiercely defended both his work and his bill, which he submitted in Federal District Court in

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Brooklyn in December. He said he had never promised that his most recent work — by his count, 8,000 hours over the seven years — would be free.

Yesterday, Mr. Neuborne filed court papers that seek to refute objections about his fee request from the group of American survivors. Mr. Neuborne also asked Judge Edward R. Korman, who is overseeing the case, to hold a hearing on his fee.

Several survivors, who met with the judge to complain about the fee request, pointing to a $4.3 million fee he received in another Holocaust case and noting that that money did not come from funds that could have gone to survivors — as would that for Mr. Neuborne's current fee.

Several also said in interviews that they had heard Mr. Neuborne say his post-settlement work was pro bono. And their Miami lawyer, Samuel J. Dubbin, cited several statements by Mr. Neuborne in court documents, hearings and elsewhere that he said showed Mr. Neuborne wearing his pro bono status as a badge of honor.

Mr. Neuborne dismissed those arguments, saying that Mr. Dubbin had misconstrued his statements.

But for the survivors who have objected, regardless of the outcome of any hearing, the bill was a betrayal, doubly so coming on the heels of what they say was Mr. Neuborne's failure to represent their interests.

"No. 1 — that he was telling us all along that he will not get paid," said David Mermelstein, 77, who was sent to Auschwitz from a small town in the Carpathian Mountains and saw his parents, five brothers and a sister killed there. "And No. 2, to take away this money from the needy survivors is a crime."

Some of the survivors have fiercely objected to the distribution of part of the $1.25 billion fund set up for social service needs for poor Jewish survivors whose assets were looted. Judge Korman ruled in 2000 that a great majority of that fund — initially $100 million, which has since more than doubled — would go to Holocaust survivors in Russia because of what he said was the grinding poverty there and the greater need. About 4 percent was earmarked for American survivors.

But Mr. Mermelstein, who spoke in a telephone interview from his home in Miami, and several of the other survivors who have objected to the fee, said studies show that many American survivors are struggling to buy food and

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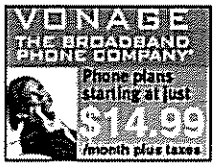

medicine.

Mr. Dubbin said that survivors in the United States, collectively through social service agencies, will receive about $700,000 a year from that fund for the 10-year life of the settlement. Survivors in the former Soviet Union will receive more than $16 million a year, he said.

Mr. Dubbin contended that Mr. Neuborne cited his pro bono status as evidence that he did not have a financial interest in the outcome of the case, thus suggesting he was neutral and fair — which Mr. Dubbin contends is not the case.

But Mr. Neuborne said that such status was important only before the settlement was reached.

Mr. Neuborne said that he had increased the value of the settlement fund by $50 million and that he was hurt by the objections of the survivors. He noted that half a dozen other lawyers had filed affidavits supporting his fee request. One lawyer filed an affidavit objecting to the fees.

"It was a grueling job that nobody else wanted, and that I have done faithfully and successfully for seven years," Mr. Neuborne said. "There has to be a special application of the rule that no good deed goes unpunished for someone to say that because I voluntarily gave up my fees for getting the settlement — and that would be $10 million — somehow I'm not allowed to be paid for seven years' work in successfully carrying it out."

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Holocaust survivors sue lawyer

25/02/2006 15:58 - (SA)

New York - The lawyer who represented Holocaust survivors in a lawsuit against Swiss banks is facing criticism from some of the victims - they say he is charging millions for work they believed he was doing for free.

A group of Holocaust survivors in the United States has filed a court objection to lawyer Burt Neuborne's almost $4.1m (R24.6m) bill for work he did after the 1998 settlement in the case.

According to The New York Times, Neuborne filed papers seeking to refute those objections on Friday. He also asked a judge to hold a hearing on his fee.

One of the Holocaust survivors in the dispute, David Mermelstein, 77, said: "Neuborne was telling us all along that he will not get paid, to take away this money from the needy survivors is a crime."

Holocaust survivors and their families sued Credit Suisse, UBS AG and other Swiss banks, accusing them of stealing, concealing or giving the Nazis hundreds of millions of dollars worth of Jewish holdings and destroying bank records to cover the paper trail.

In 1998, US district judge Edward Korman approved a $1.25-bn (R7.5-bn) settlement and appointed a tribunal to process thousands of claims.

Neuborne, the court-appointed representative for survivors worldwide, defended his work, which he said he never promised would be free.

Neuborne said: "It was a gruelling job that nobody else wanted, and that I have done faithfully and successfully for seven years."

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Feb. 25, 2006 15:17 | Updated Feb. 25, 2006 15:23

Lawyer's fee angers Holocaust survivors

By JPOST.COM STAFF

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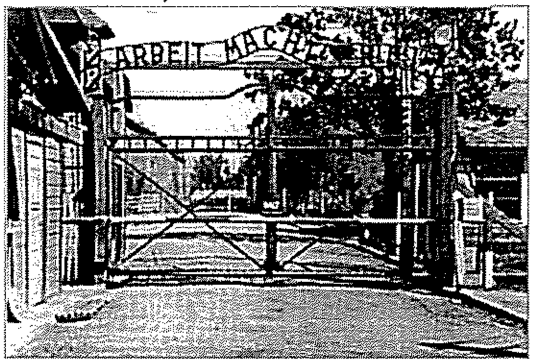
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Eighteen American Holocaust survivors are unhappy with their attorney, Burt Neuborne, for charging them for his work on their case, *The New York Times* reported on Saturday.

Neuborne, who estimates that he put in some 8000 hours of work on his clients' reparation suit between 1996 and 1998, helped win them a settlement of $1.25 billion. He charged $4.1 million.

While his clients reportedly said this week in a number of interviews to various media outlets that they believed that Neuborne had taken on their case pro bono, Neuborne insisted that he never promised to accept the case for free.

The reported that Neuborne's clients have filed a formal objection against his fee.

Neuborne has asked Judge Edward R. Korman to grant him a hearing.

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37. blind self-righteousness
Leonard S. Goldstein, Esq. - USA (02/27/2006 11:53)

36. fee
diplomat - (02/26/2006 22:19)

35. Lawyer's Fees
Americano - USA (Blue State) (02/26/2006 21:46)

34. 3% fee...That's not bad
Ophir - USA (02/26/2006 18:52)

33. Fees
Stephen - (02/26/2006 18:21)

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32. Legal fees
Meira - USA (02/26/2006 16:21)

31. legal "fees"
doctor lawyer - USA (02/26/2006 13:19)

30. Ungrateful Clients - What's New?
irsslex - USA (02/26/2006 09:59)

29. This is Unreal
Michael Miller - USA (02/26/2006 06:15)

28. what if he lost
joe barnathan - usa (02/26/2006 03:14)

27. hours in a day
Gene Warech - United States (02/25/2006 23:59)

26. #12
john smith - usa (02/25/2006 23:37)

25. to #18
shimon - (02/25/2006 22:34)

24. you are dead WRONG my friend
Shimon to # 20 - (02/25/2006 22:24)

23. greeeeeeed
Shimon - (02/25/2006 22:19)

22. One of many
Srulik - USA (02/25/2006 21:51)

21. Finagled the hours?
semsem - USA (02/25/2006 21:39)

20. thankless and more
mpillemer - USA (02/25/2006 21:32)

19. Gross Protest of Fees Earned
Jonathan L. Scher, Esq. - USA (02/25/2006 21:20)

18. Legal Fees above reproach
baruch - (02/25/2006 21:09)

17. Plattutudes? Appreciation???
Joel - Canada (02/25/2006 20:53)

16. Rate of pay
s - Israel (02/25/2006 20:23)

15. Lawyer
Oswald Czolgosz - Canuckistan (02/25/2006 20:19)

14. Pay the Guy
Jamas - United States (02/25/2006 20:02)

13. lawyer's fee
Robert E. Green - USA (02/25/2006 19:48)

12. Lawyer's fee angers Holocaust survivors
Yehuday - U.S.A. (02/25/2006 19:13)

11. A shonda!
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10. lawyers
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AP New York

Lawyer for Holocaust victims criticized for fee

February 25, 2006, 7:10 AM EST

NEW YORK -- The lawyer who represented Holocaust survivors in a lawsuit against Swiss banks is facing criticism from some of the victims, who say they are angry he's charging millions for work they believed was being done for free.

The dispute has now landed in court. An American group of Holocaust survivors has filed an objection to lawyer Burt Neuborne's almost $4.1 million bill for work he did after the 1998 settlement in the case, The New York Times reported Saturday. On Friday Neuborne filed papers seeking to refute those objections, and asked a judge to hold a hearing on his fee.

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"No. 1 _ that he was telling us all along that he will not get paid," said David Mermelstein, 77, who was sent to the Auschwitz concentration camp, where his family was killed. "And No. 2, to take away this money from the needy survivors is a crime."

Holocaust survivors and their families sued Credit Suisse, UBS AG and other Swiss banks, accusing them of stealing, concealing or sending to the Nazis hundreds of millions of dollars worth of Jewish holdings and destroying bank records to cover the paper trail.

In 1998, U.S. District Judge Edward R. Korman in Brooklyn approved a $1.25 billion settlement and appointed a tribunal to process thousands of claims.

Neuborne, the court-appointed representative for survivors worldwide, defended his work, which he said he never promised would be free.

"It was a grueling job that nobody else wanted, and that I have done faithfully and successfully for seven years," Neuborne said.

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Holocaust lawyer criticized for fee

Clients say they thought work was pro-bono

Associated Press

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The lawyer who represented Holocaust survivors in a lawsuit against Swiss banks is facing criticism from some of the victims, who say they are angry he's charging millions for work they believed was being done for free.

The dispute has now landed in court. An American group of Holocaust survivors has filed an objection to lawyer Burt Neuborne's almost USD 4.1 million bill for work he did after the 1998 settlement in the case, The New York Times reported Saturday. On Friday Neuborne filed papers seeking to refute those objections, and asked a judge to hold a hearing on his fee.

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"No. 1 - that he was telling us all along that he would not get paid," said David Mermelstein, 77, a survivor of Auschwitz and whose family was murdered. "And No. 2, to take away this money from needy survivors is a crime."

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In 1998, U.S. District Judge Edward R. Korman in Brooklyn approved a USD 1.25 billion settlement and appointed a tribunal to process thousands of claims.

Neuborne, the court-appointed representative for survivors worldwide, defended his work, which he said he never promised would be free.

"It was a grueling job that nobody else wanted, and that I have done faithfully and successfully for seven years," Neuborne said.

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4. 0.00328-1 is as close to free as it gets
   Richard, Victoria Canada (02.28.06)
5. hmmmmmmmmmm
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Lawyer Demands Multi-Million Dollar Payment In Holocaust Court Win

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February 25, 2006

Nearly eight years after the landmark decision by a Brooklyn judge to hold Swiss banks accountable for billions stolen from Holocaust victims, there's now turmoil involving the lawyer who won the case.

Some survivors claim attorney Burt Neuborne promised to handle the case for free, but they say they were surprised to receive a bill totaling several million for his work.

The 1998 case resulted in a $1.25 billion settlement with several Swiss banks after they were accused of concealing or sending the Nazis hundreds of millions of dollars in Jewish holdings.

Neuborne says he never promised to do the case for free, and has asked a judge to hold a hearing on the issue.

No date has yet been set.

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Lawyer for Holocaust survivors criticized for fee

Associated Press
02/25/2006

NEW YORK - The lawyer who represented Holocaust survivors in a lawsuit against Swiss banks is facing criticism from some of the victims, who say they are angry he's charging millions for work they believed was being done for free.

The dispute has now landed in court. An American group of Holocaust survivors has filed an objection to lawyer Burt Neuborne's almost $4.1 million (â,¬3.4 million) bill for work he did after the 1998 settlement in the case, The New York Times reported Saturday. On Friday Neuborne filed papers seeking to refute those objections, and asked a judge to hold a hearing on his fee.

"No. 1 - that he was telling us all along that he will not get paid," said David Mermelstein, 77, who was sent to the Auschwitz concentration camp, where his family was killed. "And No. 2, to take away this money from the needy survivors is a crime."

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TRISTATE

Holocaust survivors call lawyer's bills improper

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Sunday, February 26, 2006

ASSOCIATED PRESS

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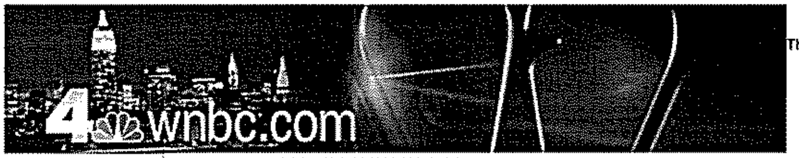

Thursday, March 2, 2006, 3:43 pm

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Lawyer For Holocaust Victims Criticized For Fee

POSTED: 8:31 am EST February 25, 2006
UPDATED: 8:16 am EST February 25, 2006

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NEW YORK -- The lawyer who represented Holocaust survivors in a lawsuit against Swiss banks is facing criticism from some of the victims, who say they are angry he's charging millions for work they believed was being done for free.

The dispute has now landed in court. An American group of Holocaust survivors has filed an objection to lawyer Burt Neuborne's almost $4.1 million bill for work he did after the 1998 settlement in the case, The New York Times reported Saturday. On Friday Neuborne filed papers seeking to refute those objections, and asked a judge to hold a hearing on his fee.

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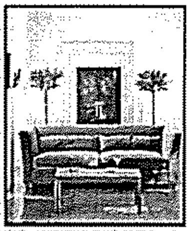
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